



City of Marietta

Meeting Minutes

COMMITTEE OF THE WHOLE

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Grif Chalfant, Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Monday, June 8, 2009

4th Floor Conference Room

Immediately following the Public Works Committee of the Whole

Presiding: William B. Dunaway
Present: Philip M. Goldstein, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg
Absent: Jim King

Also Present:
William F. Bruton, Jr. City Manager
Douglas R. Haynie, City Attorney
Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 5:15 p.m.

MINUTES:

20090512 Regular Meeting - May 11, 2009

Review and approval of the May 11, 2009 regular meeting minutes.

A motion was made by Council member Walquist, seconded by Council member Lewis, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 0 - 0 Approved

The meeting was recessed at 5:16 p.m., and reconvened at 6:00 p.m.

BUSINESS:

A motion was made by Council member Goldstein, seconded by Council member Coleman, to add the following items from the Public Works Committee of the Whole meeting to the Council agenda:

An ordinance approving an amendment to the Fiscal Year 2009 budget to appropriate SPLOST interest proceeds for project implementation and to account for a project budget reallocation. (agenda item 20090376)

Request for approval of the scope for the Roswell Street Median and Streetscapes project between Fairground Street and Victory Drive to include 4 lanes with median and streetscape enhancements indicated as Option 4 on the attached drawing. (agenda item 20090579)

The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

20090555 BLW Report

Report on the actions of the BLW Board Meeting of June 8, 2009 by Councilman Jim King.

Mayor Dunaway reported on the actions of the Board of Lights and Water at their June 8, 2009 regular meeting. Finance Director Sam Lady reported on the BLW finance statements. (See the June 8, 2009 regular Board of Lights and Water meeting minutes for details.)

This matter was Reported.

20090691 Draft Agenda

Review of the draft agenda for the July 8, 2009, regular city council meeting.

20090472 Adoption of recommended Budget for FY2010

Adoption of the Annual Budget for fiscal year ending June 20, 2010, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations. Further, the hotel/motel and 3% auto rental tax funds shall be allocated according to the FY2010 Preliminary Budget Welcome Center Contract Worksheet presented by staff.

Council member Goldstein previously disclosed that he serves on the Board of Directors of the Welcome Center (Council appointee), has membership with the Marietta Museum of History, the Marietta-Cobb Museum of Art, and Cobb Landmarks & Historical Society. Further, Council Goldstein is the landlord for the Theatre in the Square and is a manager and part owner of the Herbert S. Goldstein Family Limited Partnership, which is the landlord for the Friends of the Strand, Inc., (Strand Theatre). Council member Goldstein abstains on matters dealing with Theatre in the Square and Friends of the Strand as it pertains to funding from the 3% auto tax.

Mayor Dunaway previously disclosed that he is a member of Cobb Landmarks & Historical Society, and Friends of Brumby Hall. He serves on the Board of Directors of the Strand Theatre and is a member of the Marietta Museum of History. Further, his wife is a member of Marietta-Cobb Museum of Art and Georgia Ballet.

Council member Pearlberg previously disclosed that he is on the Marietta Museum of History Board of Directors; he is a member of Cobb Landmarks & Historical Society and Marietta-Cobb Museum of Art. Further, his wife is a member of the Georgia Ballet.

Council member Walquist previously disclosed that she is a member of the Marietta-Cobb Museum of Art, Cobb Landmarks & Historical Society and the Marietta Museum of History.

Council member Lewis previously disclosed that she is a member of the Marietta Museum of History.

This matter was Recommended for Approval - Consent Agenda.

20090473 Welcome Center Contract

Approval of a request to allocate hotel/motel and 3% auto rental tax funds according to the FY2010 Preliminary Budget Welcome Center Contract Worksheet presented by staff and approve the FY2010 Welcome Center contract.

Council member Goldstein previously disclosed that he serves on the Board of Directors of the Welcome Center (Council appointee), has membership with the Marietta Museum of History, the Marietta-Cobb Museum of Art, and Cobb Landmarks & Historical Society. Further, Council Goldstein is the landlord for the Theatre in the Square and is a manager and part owner of the Herbert S. Goldstein Family Limited Partnership, which is the landlord for the Friends of the Strand, Inc., (Strand Theatre). Council member Goldstein abstains on matters dealing with Theatre in the Square and Friends of the Strand as it pertains to funding from the 3% auto tax.

Mayor Dunaway previously disclosed that he is a member of Cobb Landmarks & Historical Society, and Friends of Brumby Hall. He serves on the Board of Directors of the Strand Theatre and is a member of the Marietta Museum of History. Further, his wife is a member of Marietta-Cobb Museum of Art and Georgia Ballet.

Council member Pearlberg previously disclosed that he is on the Marietta Museum of History Board of Directors; he is a member of Cobb Landmarks & Historical Society and Marietta-Cobb Museum of Art. Further, his wife is a member of the Georgia Ballet.

Council member Walquist previously disclosed that she is a member of the Marietta-Cobb Museum of Art, Cobb Landmarks & Historical Society and the Marietta Museum of History.

Council member Lewis previously disclosed that she is a member of the Marietta Museum of History.

A motion was made by Council member Coleman, seconded by Council member Chalfant, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 5 - 0 - 0

Recommended for Approval - Consent Agenda

20090557 Executive Session

Executive Session to discuss Legal, Personnel and/or Real Estate matters.

A motion was made in open session by Council member Pearlberg, seconded by Council member Goldstein, to enter an Executive Session to discuss real estate acquisition and legal matters. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

For: Annette Paige Lewis, Grif Chalfant, Holly Marie Walquist, Van Pearlberg, Rev. Anthony Coleman, and Philip M. Goldstein

The Executive Session was held (the Chairman's affidavit is attached hereto as Attachment A).

A motion was made in open session by Council member Pearlberg, seconded by Council member Walquist, to close the Executive Session. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

For: Annette Paige Lewis, Grif Chalfant, Holly Marie Walquist, Van Pearlberg, Rev. Anthony Coleman, and Philip M. Goldstein

A motion was made by Council member Pearlberg, seconded by Council member Chalfant, to add the purchase of a Temporary Construction Easement for property located at 580 Saint Annes Road to the Council consent agenda. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

A motion was made by Council member Goldstein, seconded by Council member Chalfant, to add the following property donations and acquisitions to the Council consent agenda:

Donation of property and easements for the purpose of Fairground St. Improvements (Allgood Rd. to N. Marietta Pkwy):

500 N Fairground St from Ronald Ogunleye with no stipulations

376 N Fairground St from Kimberly & David Preuss with stipulations of both driveway aprons widened to seventeen (17') feet wide and contractor not to take longer than two (2) weeks on property once work has begun

384 N Fairground St from Gary & Debra Morgan with stipulations of two stumps to be removed and ground below finished grade elevation and if fence is removed for construction replace with "like kind"

Donation of property for the purpose of Fairground St. Improvements (N. Marietta Pkwy to S. Marietta Pkwy):

*528 Rigby St from David Sylvester Watts with no stipulations
200 N Fairground St from John R. Pensinger with stipulations to replace shrubbery "in kind" if damaged by contractor
140 S Fairground St from Wallace L. & Freddy L. Crowder with no stipulations
236 S Fairground St from Belene B. Hickman Living Trust with no stipulations
244 S Fairground St from Agape Properties with no stipulations
252 S Fairground St from Section 8 Offices LLC with no stipulations
262 S Fairground St from Ann B. Meyers with no stipulations
270 S Fairground St from Joseph D. Vogel with no stipulations*

Kennesaw Avenue Improvements Project

*268 Kennesaw Avenue with no stipulations
274 Kennesaw Avenue with no stipulations
298 Kennesaw Avenue with stipulations outlined in Attachment A*

Acquisition of property for the purpose of Roswell St. Improvements (Olive St. to Fairground St.):

462/480 Roswell Street from Ronald J. Dudley with stipulations of parking lot to remain in the same condition after demolition is complete.

Partial acquisition and easement acquisition of the following properties:

137 S. Fairground St. from 4-T Inc. in exchange for \$4,245 for Right of Way and Temporary Construction Easement for Fairground St. Improvements (N. Marietta Pkwy-S. Marietta Pkwy)

843 Roswell Street from W.E. Belcher Jr. in exchange for \$50,325 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Victory Dr-Cobb Pkwy)

602 Roswell Street from Wachovia in exchange for \$92,550 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Olive St-Fairground St.)-Value includes sign replacement

701 Sandtown Road from Sue Bishop Davis in exchange for \$20,580 for Right of Way for the Powder Springs Road Streetscape Project

400 Tower Road from Bengal Holdings, LLC in exchange for \$40,576 for purchase of Right of Way for the required Right of Way and Easements needed for the construction of the SR5 at Tower Road Intersection Improvement project.

The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

A motion was made by Council member Goldstein, seconded by Council member Pearlberg, to add authorization for condemnations to the Council consent agenda:

Property located at 710/720 Powder Springs Road

Property located at 790/800/820 Powder Springs Road

Property located at 827 Roswell Street

The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

ADJOURNMENT:

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Stephanie Guy, City Clerk

Approved: _____